PROCEEDINGS
of the
TRAVANCORE SRI MULAM ASSEMBLY.

OFFICIAL REPORT.

FIRST ASSEMBLY.

SIXTH SESSION.

Friday, the 19th July 1935/3rd Karkatakam 1110.

The Assembly met in the Victoria Jubilee Town Hall at 2-1 P. M., the Deputy President presiding.

MEMBERS SWORN IN.

The following members took the oath and signed the rolls :

1. Mr. C. V. Chandrasekharan.
2. Mr. M. Govinda Pillai.
3. Mr. Menatheri N. Kesava Panickar.
4. Mr. C. S. Krishnaswami Aiyar.
5. Rao Sahib Dr. N. Kunjan Pillai.
6. Mr. C. O. Madhavan.
7. Mr. Kayalam Parameswaran Pillai.
8. Mr. R. Pitchu Aiyangar.
9. Mr. James Simpson.
10. Mr. R. Sivaraman Nair.
11. Mr. G. B. E. Truscott.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I rise to a point of order. The right to ask interpellations and the right to make adjournment motions are two rights enjoyed by this House at every meeting. Standing Order No. 9 (as contained in paragraph 27 of the Manual) says :—

> " The first hour of every meeting shall be available for the asking and answering of questions."

Paragraph 48 of the Manual says :—

> " Leave to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance must be asked after questions and before the list of business for the day is entered upon."

Therefore, before the business for the day is entered upon, the House has a right to ask questions and to ask for leave for the adjournment of the business of the House. In today's agenda, no time is allotted for the asking and answering of questions : and so we cannot also ask for leave for the adjournment of the business of the House, since that can be done only after the questions are over. Therefore,

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[Mr. A. S. Damodaran Asan.]

two privileges of the House have been taken away from it. I therefore submit that, before we enter upon the business of the day, time must be allowed for these two items which I have just now mentioned.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As laid down in Standing Order No. 5, ordinarily, the meetings of the Assembly have to commence at 11 A. M. As all the members are of course aware, the Assembly meets today only at 2 P. M., and not at the ordinary hour, 11 A. M. The fact is that today's meeting has been called for for a special purpose, namely, for the consideration of certain urgent legislative business. Therefore, the procedure to be followed in ordinary meetings of this House cannot be expected to be gone through in full at today's meeting. In fact, today we have a kind of extraordinary meeting which has been called together for a specific purpose. There is nothing wrong therefore in not posting any questions for today.

And I think there is precedent for such a course both here and elsewhere.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know the precedent here?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This point of order did not suddenly arise and the Honourable member might have given some notice of his point, if he had and I would have been able to cite the precedents. Anyhow, so far as I am able to remember,———

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I rise to a point of order; a point of order can be raised at any time.

DEPUTY PRESIDENT : Please wait, Mr. Asan; I am noting what the Law Member has been saying.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I believe that, when the old Legislative Council met at about 8 o clock in the morning on a certain occasion, no questions were asked.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I remind the Law Member that questions were asked and answered on that day?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, it is a question of memory; perhaps Mr. Asan is right. I was speaking only from memory and I may be wrong. That is why I suggested that, if some previous notice had been given, I would have been on sure ground. At any rate, in the Indian Legislative Assembly there are precedents to support today's procedure; and, on some occassions, even when the Assembly met at the usual hour, the President has held over interpellations in order to give place to some urgent business or the particular business to transact which the meeting was called.

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The President has control of the business and he has arranged the business for the day and has sent round the agenda paper, to the Honourable members, from which it should have been clear to the members that no interpellations are posted for today. No interpellation can therefore be asked today. I therefore submit that no question of order arises in any event.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, the Law Member was mentioning that this was an extraordinary meeting called together for a specific purpose. The notice that has been issued to us does not say so at all; as usual, it only gives the place and time of the meeting.

The Law Member quoted Standing Order No. 5. There, the word 'ordinarily' has been used with a specific object, namely, to empower the Dewan to call together a meeting at any hour he likes other than 11 A. M. That is why that word does not occur in any of the other Standing Orders to which I have referred.

In regard to precedents, I do not admit that there has been any precedent here. I distinctly remember that, on the day on which the old Council met at 8 A. M. for the purpose of amending the Chitties Regulation, interpellations were asked and answered. The Standing Orders of the Indian Assembly may be different.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the member's point that we should adjourn without transacting any business?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I think the procedure here is out of order.

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the member's point that we should now rise and that we are precluded from transacting the business on the agenda paper?

DEPUTY PRESIDENT: If that was his idea, he would have said so. The usual practice under the rules is that, at the commencement of a sitting, time may be available to members to ask questions. The rule also provides that opportunity may then be given to members who want to make a motion for adjourning the business of the House. It is true that today we have not got any questions on the agenda. Mr. Asan does not want to make a motion for adjournment of the House. He only raised a point of order. When the Law Member was about to make a motion, Mr. Asan raised a point of order inquiring whether questions should not have precedence and opportunity should not be allowed to members to make motions for adjournment. That means that there is no question to ask and no adjournment motion to move. Anyway, to make an adjournment motion requires that notice should be given to the President or to the authority presiding. No such notice has been received by the President; and certainly I did not receive any notice. So nothing turns on the right of making the motion to adjourn the House.

With regard to questions, I am of opinion that members have no right at present to ask any questions.

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At page 17 of the Manual under clause 25 (2) we see—

" Save as otherwise provided in the Rules or Standing Orders, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the President."

An application was not made to the President for any such permission being given. So that, whatever may be the views of members and the views of the Chair with regard to abstract rights, there is no question in the agenda to ask.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): There are 600 questions.

DEPUTY PRESIDENT: Yes, I quite see. I am thankful to Mr. Asan for the information. There may be six hundred questions or more, but I am not concerned with that. The practice is that questions are set down to be answered on particular days. In the agenda for the day, there is no such list of questions. For these reasons, I rule that the Law Member is quite in order in making his motion. Whether the motion is to be allowed or not depends on the motion itself and I cannot anticipate him.

LEGISLATIVE BUSINESS.

THE TRAVANCORE FACTORIES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to consolidate and amend the law regulating labour in factories. It has been published in the Gazette with a statement of objects and reasons and I now move that the Bill be read in the Assembly.

MR C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, that it is expedient and perhaps necessary that labour in factories and labour conditions in factories should be regulated by the State by special legislation has been accepted in all civilised countries. In Travancore, a law for this purpose was passed twenty-one years ago by the enactment of the Travancore Factories Regulation of 1089. That Regulation was modelled on the then British Indian Statute, Act XII of 1911, called the Indian Factories Act. That Act subsequently underwent many amendments between 1922 and 1931, by Acts II of 1922, IX of 1923, XXVI of 1926 and XIII of 1931. Quite recently, a very searching enquiry was made into labour conditions in India by a Royal Commission, commonly called the Whitley Commission. As a result of their recommendations, the Factory Statute of British India underwent very radical changes and the whole law was consolidated and enacted by a principal enactment called the Indian Factories Act of 1934. That Act was passed last year and it came into operation on the 1st of January this year.

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